

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

I. Status of the Claims

Claims 2, 5, 7, 8, and 15-17 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 9-14, 18-27, 31-34, 36, 37, and 44 were previously withdrawn from consideration.

Claims 1, 29, 30, 38, and 46 have been herein amended.

No new matter is added.

Claims 1, 3, 4, 6, 9-14, and 18-46 are currently pending.

II. Examiner Interview

Applicants would like to thank Examiner Hoey for the courtesies extended by the Examiner during several telephone conversation with the Applicants' attorney, Benjamin Han, on October 23, 2008, November 17, 2008, and November 18, 2008, and for reviewing a proposed draft claim prior to the entry of this amendment. During these conversations, the Examiner indicated that further structural limitations, specifically regarding structure around the hip region, and deletion of the terms "near" and "substantially" would likely be sufficient to overcome the current claim rejections. Accordingly, independent claims 1, 19, 30, 38, and 46 have been amended to introduce

further structural limitations to distinguish the present invention over the cited references. Thus, Applicants respectfully submit that each of the pending claims is in condition for allowance.

III. Rejections Under 35 U.S.C. § 102

Claims 1, 3, 4, 6, 28-30, 35, 38-43, 45, and 46 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication JP 2001 192903 to Fujii et al. ("Fujii"). It is respectfully submitted that Fujii does not anticipate the presently claimed invention.

Amended independent claim 1 now recites a pants garment comprising a front second stretchable portion "extending continuously along the front side from an outer waist portion, along a front outer hip portion, to an inner knee portion of the left or right leg member and then to an outer ankle portion." It is respectfully submitted that Fujii does not suggest or disclose at least this feature of the presently claimed invention.

Fujii describes a garment that covers at least part of the lower body of a wearer and includes a stretch fabric. In the Office Action, the Examiner cites Figures 22, 24, 34, 37, 38, and 39 in asserting that Fujii anticipates the presently claimed invention. Applicants respectfully disagree.

None of the Figures of Fujii show a garment having a second stretchable portion that extends continuously "along the front side" from a waist portion, along a front outer hip portion, to an ankle portion. The various Figures of Fujii illustrate garments having a "strong straining portion." However, the "strong straining portion" does not extend continuously along the front side in any of the Figures, and especially not along a front outer hip portion. It is clear from Figures 34-

39 that the strong straining portion crosses into the rear and side portions of the garment, does not extend along a front outer hip portion.

Accordingly, Applicants respectfully submit that Fujii does not anticipate claim 1, and request that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

Claims 3, 4, 6, 28, and 35 depend from claim 1. Accordingly, by virtue of their dependencies and for at least the reasons described above, Applicants respectfully submit that Fujii does not anticipate claims 3, 4, 6, 28, and 35, and request that the rejection of claims 3, 4, 6, 28, and 35 under 35 U.S.C. §102(b) be withdrawn.

Independent claims 29, 30, 38, and 46 have been amended to recite features similar to those discussed above with respect to independent claim 1. Accordingly, for at least the reasons described above, Applicants respectfully submit that Fujii does not anticipate claims 29, 38, and 46, and request that the rejection of claims 29, 30, 38, and 46 under 35 U.S.C. §102(b) be withdrawn.

Claims 39-43 and 45 depend from claim 38. Accordingly, by virtue of their dependencies and for at least the reasons described above, Applicants respectfully submit that Fujii does not anticipate claims 39-43 and 45, and request that the rejection of claims 39-43 and 45 under 35 U.S.C. §102(b) be withdrawn.

CONCLUSION

Each and every point raised in the Office Action dated September 10, 2008 has been addressed on the basis of the foregoing amendments and remarks. In view of the foregoing, it is believed that each of the pending claims is in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below. In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

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